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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/869,647 | 07/02/2001 | Hiroyasu Karimoto | 33764 | 5920 |

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EXAMINER

BASHORE, WILLIAM L

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| ART UNIT | PAPER NUMBER |
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2176

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,647

Applicant(s)

KARIMOTO ET AL.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/7/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: original application filed 7/2/2001, with priority filing date of 11/4/1999. IDS filed 7/2/2001.
2. Regarding Applicant's Ids filed 7/2/2001, document 9-311850 cannot be considered because an English translation of said document is not present. Although this document is referenced in a PCT search report, said report is not in English.
3. Claims 1-32 pending. Claims 1, 8, 19, 31 are independent claims.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: Creation Assisting Method And Apparatus Utilizing Element Indexes.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 8-10, 15-21, 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mindrum (hereinafter Mindrum), U.S. Patent No. 6,340,978 issued January 2002, in view of Arellano et al. (hereinafter Arellano), U.S. Patent No. 6,694,482 issued February 2004.

In regard to independent claim 1, Mindrum teaches creation of a “Life Story” from a set of user submissions (Mindrum Abstract, column 2 lines 31-41).

Mindrum teaches storage of life information data in a database, said database typically utilizing indexes (i.e. primary, secondary keys, etc.) for holding a plurality of added data from many different users (Mindrum column 9 lines 11-16, see also column 10 lines 37-45 “unique id”).

Mindrum teaches a user accessing said database for specific information (i.e. element indexes) via an interactive headstone. The results are outputted to the user as a creation (Mindrum column 15 lines 64-67, see also column 12 lines 34-41).

Mindrum does not specifically teach calculating a correlation among sets and obtaining sets satisfying an evaluation reference. However, Arellano teaches a method of creating an interactive multimedia application that can dynamically adapt to a user (Arellano Abstract, column 4 lines 49-61). Arellano uses a User Agent to re-evaluate the importance of features and values by utilizing correlation computations between features (Arellano column 9 lines 43-54, see also column 10 lines 4-10). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Arellano to Mindrum, providing Mindrum the benefit of dynamically updating a Life Story presentation by automatically choosing the best appropriate material submitted by friends of the deceased.

In regard to dependent claim 2, Mindrum teaches scenario elements (parts of a Life Story) Mindrum Figure 5).

In regard to dependent claim 3, Mindrum does not specifically teach “5W1H” information (Who, What, Where, When, Why, and How). However, Mindrum teaches a headstone embodiment for educating a viewer about the deceased. The information provided typically includes life information (i.e. who the deceased was, what he/she was doing, where he lived, when he was born, how he died, etc.), providing reasonable suggestion to the skilled artisan to use 5W1H type information to describe a person’s life stored in the form of a

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plurality of element indexes (i.e. a pair, etc.). It would have been obvious to one of ordinary skill in the art at the time of the invention to use 5W1H, providing a user of Mindrum the benefit of a complete record of one's life.

In regard to claims 8-10, claims 8-10 reflect the apparatus comprising computer executable instructions used for performing the methods as claimed in claims 1-3 respectively, and are rejected along the same rationale.

In regard to dependent claims 15-18, Mindrum teaches a database over the Internet, as well as a CD for home storage and playback (Mindrum column 13 lines 59-67 to column 14 lines 1-67).

In regard to independent claim 19, claim 19 incorporates substantially similar subject matter as claimed in claim 8, and in further view of the following, is rejected along the same rationale.

Mindrum teaches a database table for editing of various information (i.e. phrases) (Mindrum column 10 lines 40-67).

In regard to dependent claims 20, 21, Mindrum teaches a database for storing multimedia data referenced by indexes (i.e. primary, secondary keys, etc.) (Mindrum column 10 lines 35-67).

Mindrum does not specifically teach "5W1H" information (Who, What, Where, When, Why, and How). However, Mindrum teaches a headstone embodiment for educating a viewer about the deceased. The information provided typically includes life information (i.e. who the deceased was, what he/she was doing, where he lived, when he was born, how he died, etc.), providing reasonable suggestion to the skilled artisan to use 5W1H type information to describe a person's life stored in the form of a plurality of element indexes (i.e. a pair, etc.). It would have been obvious to one of ordinary skill in the art at the time of the invention to use 5W1H, providing a user of Mindrum the benefit of a complete record of one's life.

In regard to dependent claim 23, Mindrum teaches elements stored in a database, said elements can be searched accordingly in order to produce a finished product (Mindrum column 10 lines 35-67).

In regard to dependent claims 24-30, Mindrum teaches physical entities (i.e. scanned photos, etc.), as well as a way to update (edit/add/delete, etc.) information accordingly (Mindrum column 10 lines 35-67, column 14 lines 10-15). Mindrum creates a finished product without creating collisions between various media in the presentation.

In regard to independent claim 31, claim 31 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claim 32, Mindrum teaches a CD (Mindrum Figure 6 item 95).

7. **Claims 4-5, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mindrum in view of Arellano, and further in view of Smith (hereinafter Smith), U.S. Patent No. 6,694,311 issued February 2004.**

In regard to dependent claims 4, 5, Mindrum does not specifically teach vectors plotted, scattered and analyzed in a tank (i.e. a graph). However, Smith teaches query approximation associated with a multimedia database using vector plotting, which form angles (Smith column 5 lines 10-15, also Abstract and Figures 4, 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Smith to Mindrum, providing Mindrum the benefit of vector analysis for a more accurate search of database indexes.

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In regard to claims 11, 12, claims 11,12 reflect the apparatus comprising computer executable instructions used for performing the methods as claimed in claims 4,5 respectively, and are rejected along the same rationale.

8. Claims 6, 7, 13, 14, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mindrum in view of Arellano, and further in view of Kay (hereinafter Kay), U.S. Patent No. 6,103,964 issued August 2000.

In regard to dependent claims 6, 7, Mindrum does not specifically teach producing a music creation along with a scenario creation. However, Kay teaches generation of algorithmically altered musical effects by analyzing notes of inputted music (Kay Abstract, column 2 lines 56-67, column 3 lines 10-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kay's music generation to the audio elements of Mindrum, providing Mindrum the benefit of alternative music selections for enriching the multimedia experience.

Mindrum does not specifically teach "5W1H" information (Who, What, Where, When, Why, and How). However, Mindrum teaches a headstone embodiment for educating a viewer about the deceased. The information provided typically includes life information (i.e. who the deceased was, what he/she was doing, where he lived, when he was born, how he died, etc.), providing reasonable suggestion to the skilled artisan to use 5W1H type information to describe a person's life stored in the form of a plurality of element indexes (i.e. a pair, etc.). It would have been obvious to one of ordinary skill in the art at the time of the invention to use 5W1H in its creations, providing a user of Mindrum the benefit of a complete record of one's life.

In regard to claims 13, 14, claims 13, 14 reflect the apparatus comprising computer executable instructions used for performing the methods as claimed in claims 6, 7 respectively, and are rejected along the same rationale.

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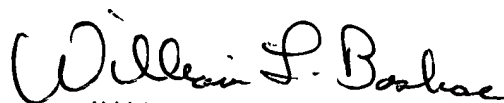
In regard to dependent claim 22, Mindrum does not specifically teach genetic algorithms. However, Kay teaches generation of algorithms for musical effects, said algorithms can be genetic, since elements of an effect can be substituted for another (Kay Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kay to Mindrum, providing Mindrum the benefit of genetic algorithms for more accurate audio effects.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WILLIAM L. BASHORE
PATENT EXAMINER
TECH CENTER 2100

January 8, 2005